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HOUSE BILL 962

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Andy Nuñez

AN ACT

RELATING TO WATER; REQUIRING THE STATE ENGINEER TO PAY WATER MASTERS WHO ARE APPOINTED WITHOUT A REQUEST FROM THE AFFECTED WATER DISTRICT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 72-3-4 NMSA 1978 (being Laws 1907, Chapter 49, Section 16, as amended) is amended to read:

"72-3-4. COMPENSATION OF WATER MASTER--ASSISTANTS-- BUDGET--TAX--ADMINISTRATION FUND.--

A. The state engineer may employ such assistants to any water master [~~by him~~] appointed by him as he may deem necessary, and each water master and each assistant so employed shall be paid a compensation to be fixed by the state engineer and also such of [~~his~~] their actual and necessary expenses incurred in the performance of [~~his~~] their duties as shall be

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1 approved in writing by the state engineer. Provided, that such
2 employment of assistants shall be only in cases of emergency
3 and such employment shall continue only during the existence of
4 such emergency.

5 B. If a majority of the members of a district has
6 requested the appointment of a water master, as soon as
7 possible after the appointment of any water master, the state
8 engineer shall prepare a budget of estimated amounts required
9 to pay the compensation and expenses of the water master and
10 his assistants to the end of the then current fiscal year, and
11 shall certify the [~~same~~] budget to the board of county
12 commissioners of the county [~~wherein~~] in which the duties of
13 the water master are to be performed, which budget shall
14 specify the distribution of the amounts to be charged against
15 and allotted to each water user or ditch owner, and which
16 respective amounts shall be based upon the quantity of water
17 received or to be received by each in proportion to the total
18 quantities of water delivered or to be delivered under the
19 water rights of all.

20 C. [~~Thereafter~~] Before the beginning of each
21 succeeding fiscal year, the state engineer shall likewise
22 prepare a similar budget for the ensuing fiscal year and shall
23 likewise certify [~~the same~~] it to the proper board of county
24 commissioners.

25 D. If a water district for which a water master is

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1 appointed lies within more than one county, the budget shall be
2 certified to the board of county commissioners of each county
3 within which any portion of [~~such~~] the district is situated and
4 shall set out the proportionate amount of the budget total to
5 be paid by each county [~~respectively~~].

6 E. When [~~such~~] the budgets are received [~~by~~], the
7 board of county commissioners [~~it~~] shall immediately cause the
8 county treasurer to extend upon the tax rolls of the county for
9 the year contemplated in the budget the amounts [~~therein~~]
10 required to be raised and in accordance with the budget
11 distribution [~~thereof~~], and [~~such~~] the respective amounts so
12 distributed and entered upon [~~said~~] the tax rolls shall be
13 payable and shall be collected at the times and in the manner
14 provided by law for the payment and collection of other taxes
15 and shall be a lien upon the property of the respective water
16 users or ditch owners to the same extent other taxes levied are
17 a lien [~~thereon~~]. When collected, the county treasurer shall
18 place [~~such monies~~] the money into a special fund to be
19 designated as the "water masters administration fund for the
20 district of _____ (name of district)", and
21 [~~such~~] the fund shall be expended only for the purposes set out
22 in [~~said~~] the budget.

23 F. The salary and expenses of the water master and of
24 his assistants shall be paid monthly by the board of county
25 commissioners out of [~~said~~] the special fund [~~so created~~] only

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1 upon the itemized voucher of the state engineer.

2 G. If for any reason there [~~shall be~~] is a temporary
3 insufficiency of [~~moneys~~] money in [~~said~~] the special fund for
4 the payment of the accrued salaries and expenses of the water
5 master and his assistants, the board of county commissioners
6 may pay [~~the same~~] them out of any available [~~moneys~~] money in
7 the general county fund, or the state engineer may pay [~~the~~
8 ~~same~~] them out of any general fund money appropriated for the
9 operation of his office, but in either event the general county
10 fund or the state general fund, as the case may be, shall be
11 reimbursed the amounts expended [~~therefrom~~] for such purposes
12 as soon as there [~~may be moneys~~] is money available [~~therefor~~]
13 in the water masters administration fund [~~hereinabove~~
14 ~~designated~~] of the district.

15 H. If the state engineer appoints a water master to a
16 district without a request by a majority of the members of the
17 district, the compensation and expenses of the water master
18 shall be paid by the state engineer."

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